

8. LAND USE

8.1 EXISTING LAND USE

8.1.1 Ecological Reserve Designation

Per an amendment to Section 630, Title 14 of the California Code of Regulations, the California Fish and Game Commission recently designated a portion of the project area as a State Ecological Reserve. The Ecological Reserve (Figure 8-1) includes the land owned by CDFG and the Expanded Wetlands Parcel (approximately 36 acres) which is owned by SLC but managed by CDFG pursuant to a lease agreement. The Freshwater Marsh was not included in the Ecological Reserve.

As specified in California State Law (CCR 14.1.2 Ch.11 Sec. 630), the purpose of the Ecological Reserve designation is to provide protection for rare, threatened or endangered native plants, wildlife, aquatic organisms and specialized terrestrial or aquatic habitat types. Public entry and use of ecological reserves is subject to general rules and regulations to ensure that it is compatible with the primary purposes of resource protection. The special regulations adopted for the Ballona Wetlands Ecological Reserve, which go into effect May 10th 2006, are list below:

- Allowing pedestrian use only on designated trails for the protection of sensitive species and habitats.
- Allowing bicycle use only on a designated bicycle path north of the Ballona Creek flood control channel for the protection of sensitive species and habitats.
- Allowing fishing only with barbless hooks from the shoreline in designated areas along Ballona Creek or from boats within the Ballona Creek channel for the protection of sensitive habitats and species along Ballona Creek and to minimize mortality of fish and aquatic species caught by anglers and returned to Ballona Creek.
- Allowing boating only in the Ballona Creek channel for protection of sensitive habitats and species (since boating is not normally permitted on ecological reserves, the special regulation is necessary when the department determines boating is appropriate and will cause no impacts to protected species and habitats).
- Allowing existing recreational uses under license agreement and existing parking areas under lease agreements unless other uses are deemed more appropriate (since these licensed recreational and leased parking activities are not normally permitted on ecological reserves, the special regulations are necessary when the department determines these public uses are appropriate and will cause no impacts to sensitive species and habitats).

In addition to the special regulations adopted for the Reserve, general rules and regulations from the California Code of Regulations (CCR) Title 14, Natural Resources, Division 1, Sub-division 2, Chapter 11 were also adopted for the Ballona Wetlands Ecological Reserve. These are:

1. Protection of Resources. No person shall mine or disturb geological formations or archeological artifacts or take or disturb any bird or nest, or eggs thereof, or any plant, mammal, fish, mollusk, crustacean, amphibian, reptile, or any other form of plant or animal life in an ecological reserve except as provided in Sub-sections 630(a)(2) and (a)(8). The department may implement enhancement and protective measures to assure proper utilization and maintenance of ecological reserves.
2. Fishing. Fishing shall be allowed in accordance with the general fishing regulations of the commission except that the method of taking fish shall be limited to angling from shore. No person shall take fish for commercial purposes in any ecological reserve except by permit from the commission.
3. Collecting. No collecting shall be done in an ecological reserve except by permit issued pursuant to Section 650 of these regulations. Any person applying for a permit must have a valid scientific collecting permit issued pursuant to Part 3 of this title.
4. Motor Vehicles. No person shall drive, operate, leave, or stop any motor vehicle, bicycle, tractor, or other type of vehicle in an ecological reserve except on designated access roads and parking areas.
5. Swimming. No person shall swim, wade, dive, or use any diving equipment within an ecological reserve except as authorized under the terms of a permit issued pursuant to Sub-section (3).
6. Boating. No person shall launch or operate a boat or other floating device within an ecological reserve except by permit from the commission.
7. Trails. The department may designate areas within an ecological reserve where added protection of plant or animal life is desirable, and may establish equestrian or walking trails or paths within such designated areas. No person shall walk or ride horseback in such areas except upon the established trails or paths.
8. Firearms. No person shall fire or discharge any firearm, bow and arrow, air or gas gun, spear gun, or any other weapon of any kind within or into an ecological reserve or possess such weapons within an ecological reserve, except law enforcement personnel and as provided for in individual area regulations that allow for hunting.
9. Ejection. Employees of the department may eject any person from an ecological reserve for violation of any of these rules or regulations or for any reason when it appears that the general safety or welfare of the ecological reserve or persons thereon is endangered.
10. Public Entry. Public entry may be restricted on any area at the discretion of the department to protect the wildlife, aquatic life, or habitat. No person, except state and local law enforcement officers, fire

suppression agencies and employees of the department in the performance of their official duties or persons possessing written permission from the department, may enter any ecological reserve, or portion thereof, which is closed to public entry. No person may enter any ecological reserve between sunset and sunrise except with written permission from the Department, which may be granted for purposes including night fishing in accordance with Sub-section (a)(2) from designated shore areas only.

11. Introduction of Species. Unless authorized by the commission, the release of any fish or wildlife species, including domestic or domesticated species, or the introduction of any plant species, is prohibited. The Department may reintroduce endemic species on ecological reserves for management purposes.
12. Feeding of Wildlife. The feeding of wildlife is prohibited.
13. Pesticides. The use of pesticides is prohibited on any ecological reserve unless authorized by the commission with the exception that the Department may use pesticides for management purposes and for public safety.
14. Litter. No person shall deposit, drop, or scatter any debris on any ecological reserve except in a receptacle or area designated for that purpose. Where no designated receptacles are provided, any refuse resulting from a person's use of an area must be removed from that area by such person.
15. Grazing. The grazing of livestock is prohibited on any ecological reserve.
16. Falconry. Falconry is prohibited.
17. Aircraft. No person shall operate any aircraft or hovercraft within a reserve, except as authorized by a permit from the commission.
18. Pets. Pets, including dogs and cats, are prohibited from entering reserves unless they are retained on a leash of less than 10 feet or are inside a motor vehicle, except as provided for in individual area regulations that allow for hunting or training activities.
19. Fires. No person shall light fireworks or other explosive or incendiary devices, or start or maintain any fire on or in any reserve, except for management purposes as provided in Sub-section (a)(1).
20. Camping. No person shall camp on/in any ecological reserve.
21. Vandalism. No person shall tamper with, damage or remove any property not his own when such property is located within an ecological reserve.

8.2 SURROUNDING LAND USE

Generally, the wetlands are surrounded by the urbanized metropolitan area of Los Angeles. Land use along the northern and western boundary of Area A includes Marina Del Rey and Chase Burton Park. The northern and southern boundaries of Area C contain mixed office, commercial and multifamily residential uses. The northeastern border of Area C is the Marina Expressway, with additional mixed office and commercial uses lying beyond it to the north. Ballona Creek separates Areas A and C from Area B.

The Del Rey Bluffs lie immediately south of Area B. Above these, land use along the southern boundary of Area B includes mixed office, commercial, and apartment uses, as well as mixed residential uses. The Gas Company has a facility on privately-held land at the base of the Del Rey Bluffs next to Area B. The western border of Area B is composed of residential communities. The southeastern portions of the Area B border are bounded by bluffs. Loyola Marymount University and the Westchester community lie atop these bluffs. Area B is bound on the north by Ballona Creek and to the east by mixed office/commercial/residential uses.

In a larger context, the project area is surrounded by the City of Los Angeles communities of Westchester on the south, Del Rey to the northeast, Venice/Mar Vista further to the north, and Playa Del Rey further to the west. The Los Angeles County community of Marina Del Rey lies further to the northwest and Culver City further to the east.

Natural resource areas in the vicinity of Ballona Wetlands include Del Rey Lagoon and Ballona Lagoon to the west of the project area. Further west are Dockweiler State Beach Park and the Pacific Ocean. Centinela Creek feeds into Ballona Creek across from the northeastern end of Area C. Oxford Lagoon lies to the north of the project area. The El Segundo dune complex occurs south of the project area at Los Angeles Airport.

Marina Del Rey is currently in the first phase of a major renovation that will include two shopping center makeovers, redevelopment of two apartment houses, and leveling and replacing Fisherman's Village with a newer version including a hotel. The existing bicycle trail will be extended all the way round the Marina.

8.3 UTILITIES AND EASEMENTS

8.3.1 Existing Utilities

Several public utilities occur within Ballona Wetlands. These include the Gas Company, the City of Los Angeles Department of Water and Power, the General Telephone Company, Southern California Edison, and the Los Angeles County Flood Control District (Tetra Tech, 1991). A composite of ALTA surveys (Psomas, 2005) illustrates the extent of utilities and easements within and adjacent to the project area.

8.3.1.1 Gas Company Operations

The Gas Company owns thirteen active natural gas storage wells and four abandoned wells within the project area. Through existing easements, the Gas Company has access rights to their wells to keep them operational.

Access is achieved using existing dirt roads. A network of utility lines connects the wells with the Gas Company's plant at the southern edge of Area B. At some time in the future, the Gas Company may abandon surface facilities within Area A and portions of Area B.

Operations within the Ballona wetlands project area include the following (Peterson, 2005):

- Operation of the 1167 main gas pipeline and adjacent wastewater pipeline; access must be maintained for inspection, maintenance, and response in case of pipeline leak.
- Use of a secondary access road to the plant's Tank Farm area (southern end of Area B); secondary access required by the Los Angeles Fire Department. This road also serves as access to a gas storage well.
- Operation of gas storage wells, monitoring wells, observation wells, and an oil well in the wetlands; access roads, surface location, and underground well cellars must be accessible for well operation, maintenance, and rig work activities.
- Operation of oil and gas pipelines connecting the gas storage wells and oil well in the wetlands to the plant's Tank Farm area; access must be maintained for inspection, maintenance, and response in case of pipeline leak.

8.3.1.2 Los Angeles Department of Water and Power

The Department of Water and Power (DWP) has a 230 kV high voltage power line under Culver Boulevard in Area B. DWP also maintains approximately 2,700 linear feet of overhead power lines in Area B, most of which parallel Culver Boulevard and continue east on Jefferson Boulevard.

8.3.1.3 General Telephone Company

The General Telephone Company has an eight transite duct under Culver Boulevard, approximately 2,800 feet in length (Tetra Tech, 1991).

8.3.1.4 Southern California Edison

Southern California Edison (SCE) owns a 16 kV overhead power line running approximately 2,800 linear feet along the north side of Culver Boulevard. At some time in the future, it is believed that SCE will abandon this line in place (Tetra Tech, 1991).

8.3.1.5 Los Angeles County Flood Control District

The Flood Control District maintains a 12 feet by 7 feet 3 inches reinforced concrete storm drain box that runs southwest under Jefferson Boulevard, discharging into the Freshwater Marsh.

8.3.2 Existing Easements, Leases or Access Rights

8.3.2.1 *Freshwater Marsh*

The Freshwater Marsh is a 26.1-acre component of the larger 51.1-acre Ballona Freshwater Wetland System developed by the Playa Capital Company, LLC to mitigate development impacts. An additional management area of 13.4 acres surrounds the Freshwater Marsh, and includes trails, upland buffer habitats between the Freshwater Marsh and Ballona Wetlands saltmarsh, and an open space area east of the marsh to be incorporated into Lincoln Boulevard improvements.

A conservation easement deed has been recorded for the Freshwater Marsh parcel in favor of the Ballona Wetlands Conservancy for development and maintenance of the marsh consistent with regulatory permit approvals, including the USACE (Section 404 Permit No. 90-426-EV), the California Coastal Commission (Coastal Development Permit No. 5-91-463), the State Water Resources Control Board (Section Water Quality Certification T576), and the CDFG (Section 1600 Streambed Alteration Agreement No. 5-639-93).

8.3.2.2 *Playa Vista Little League*

The Playa Vista Little League has a month to month lease for the four baseball diamonds and parking area on Area C. As of 2006, the Little League has been in existence for 46 years.

8.3.2.3 *Other Easements and Access Rights*

A number of parties have acquired past rights to occupy small portions of Ballona Wetlands for various uses. These include the following (State of California, 2003):

- Leases granted to the County of Los Angeles for parking for the County Sheriff and for the Department of Beaches and Harbors upon a small portion of Area A.
- A lease granted to the County of Los Angeles Flood Control District to access Ballona Creek from Area A to remove trash and debris.
- A license granted to the Friends of Ballona Wetlands for restoration of sand dunes located in the wetlands and interpretation.
- A license to the Ballona Wetlands Foundation allowing the Foundation (in association with Loyola Marymount University) to restore habitat and perform other educational functions within a portion of the wetlands.
- Licenses granted to several business owners along Culver Boulevard for minor encroachments upon the wetlands.
- Easements running in favor of a majority of homeowners located along the western boundary of Ballona Wetlands for small encroachments.

- Easements running in favor of Playa Vista development for the widening of Culver and Lincoln Boulevards and for the installation of other infrastructure relating to the Playa Vista development.
- A grant to the Ballona Wetlands Foundation to develop the Ballona Outdoor Learning and Discovery (BOLD) project, to be developed consistent with the larger restoration project.

Existing and surrounding land use will need to be considered in the development and phasing of the preferred restoration alternative.

8.4 SECTION 8 FIGURES

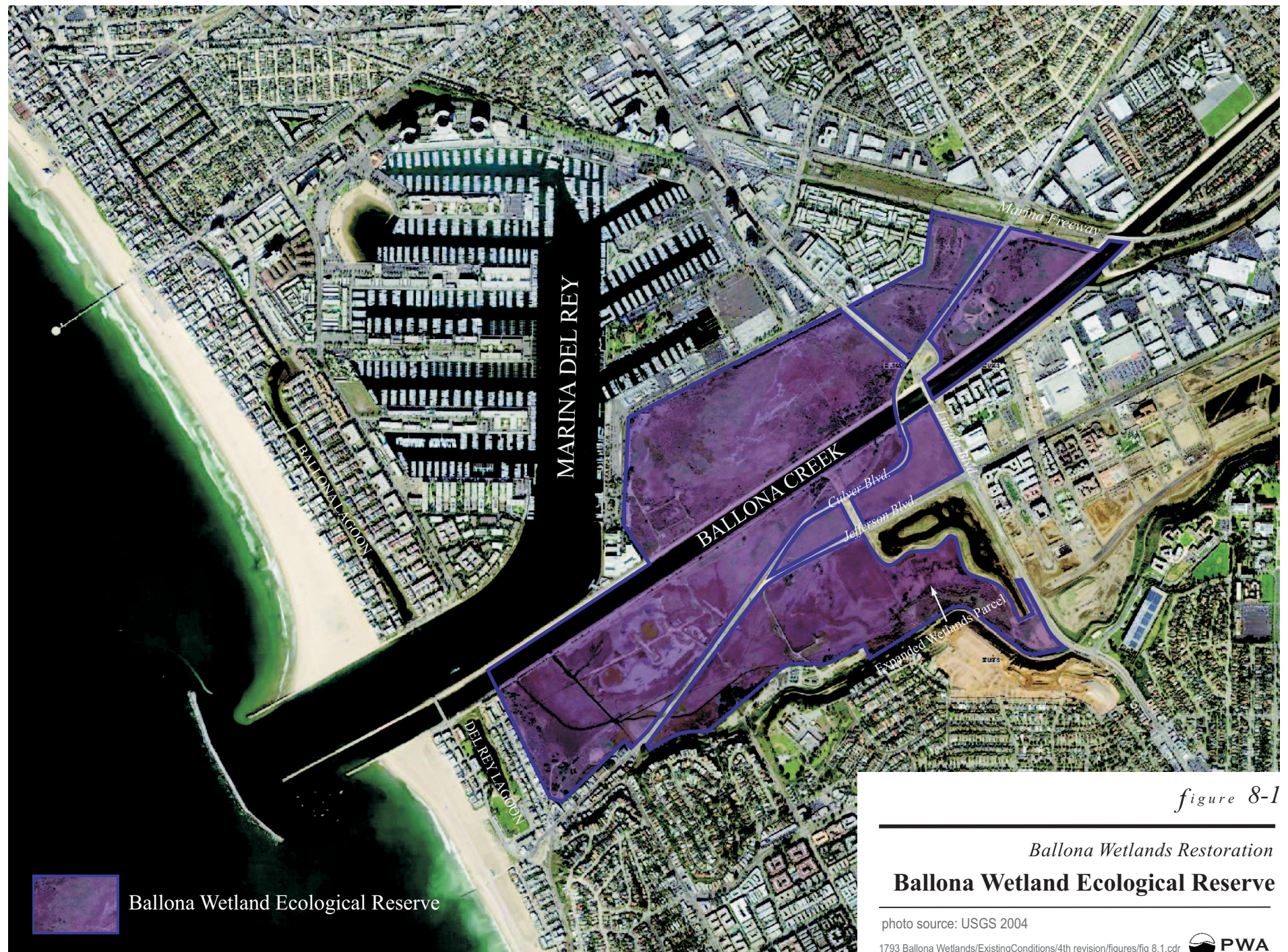


figure 8-1

Ballona Wetlands Restoration
Ballona Wetland Ecological Reserve

photo source: USGS 2004

1793 Ballona Wetlands/ExistingConditions/4th revision/figures/fig 8.1.cdr

